6-26/500.00 Property Subject to Redemption

Generally, the same procedures for enforcing a writ of sale against property not subject to the right of redemption also apply to property subject to the right of redemption. (CCP 729.010)

• 6-26/510.00 Redeemable Property

The only property sold subject to a right of redemption is real property, other than a leasehold estate with an unexpired term of less than two years at the time of levy, wherein the decree of foreclosure of the mortgage or deed of trust on the property determines that a deficiency judgment may be ordered against the defendant. (CCP 729.010(a))

The sale of a separate interest in a common interest development is subject to redemption within 90 days after the sale. The sale must arise from a foreclosure by the association of a common interest development. (CCP 729.035)

• 6-26/520.00 Notice of Sale

At least 30 days after the levy, the judgment creditor shall determine the names of all persons having liens of record in the office of the county recorder on the property on the date of levy and shall instruct the levying officer to mail notice of sale to each such person at the address used by the county recorder for the return of the instrument creating the person's lien after recording. (CCP 701.540(h))

A Notice of Sale of an interest in real property, other than a leasehold estate with an unexpired term of less than two years at the time of levy, may not be given until the expiration of 120 days after the date notice of levy was served on the judgment debtor. (CCP 701.545)

The Notice of Sale of an interest in real property shall be in writing and state the following:

- The date, time, and place of sale (CCP 701.540(a))
- Describe the interest to be sold, and shall give a legal description of the real property and its street address or other common designation, if any. [If the property has no street address or other common designation, the levying officer may either include directions to the property in the notice, or include a statement in the notice that the officer will provide directions upon written or oral request. Directions are sufficient if information as to the location of the property is given by reference to the direction and approximate distance from the nearest crossroads, frontage road, or access road. If an accurate legal description of the property is given, the validity of the notice and sale is not affected by the fact that the street address or other common designation, or directions to its location are erroneous or omitted. (CCP 701.540(a)) A description is sufficient if it describes the property so that the notices given will enable the deputy and others to identify the land. A defect or variance in such descriptions is not fatal if nobody could be misled thereby, and the precise parcel of land can be readily ascertained from the description. (Godfrey v. Monroe, 101 CA 224, 228; Bateman v. Kellogg, 59 CA 464) Where maps,

plats or field notes are referred to in a description, they are to be regarded as incorporated in the description and a part of it. (Swarzwald v. Cooley, 39 CA 2d 306)]

- Contain a statement that prospective bidders should refer to CCP 701.510 to 701.680, inclusive, for provisions governing the terms, conditions, and effect of the sale and the liability of defaulting bidders. (CCP 701.547)

Not less than 20 days before the date of sale (CCP 701.540(b), the levying officer shall provide a Notice of Sale shall in the following manner (The provisions of CCP 684.120 extending time when service is by mail do not apply to this service):

- Serve the judgment debtor either personally or by mail (CCP 701.540(c)
- Although not required by statute, a copy of the Notice of Sale should also be served either personally or by mail on the judgment creditor's attorney, if the judgment creditor is represented by an attorney; if not, then on the judgment creditor
- Personally serve an occupant (CCP 701.540(e)
    - In the occupant's absence, with any person of suitable age and discretion on the property who is either an employee or agent of the occupant or a member of the occupant's household
    - If an occupant cannot be served, no further attempts are required
- Post in a conspicuous place on the property (CCP 701.540(d)(2) If a leasehold estate is to be sold, the notice must be posted on the portion of the property covered by the lease
- Post in one public place in the city in which the interest in the real property is to be sold if it is to be sold in a city or, if not to be sold in a city, one public place in the county in which the interest in the real property is to be sold (CCP 701.540(d)(1)
- Mail to each person having a recorded lien on the property on the date of levy as instructed by the judgment creditor (CCP 701.540(h)
- Publish in a newspaper of general circulation (as defined in GC 6008) in the city which the real property or a part thereof is situated (CCP 701.540(g)
    - if not within a city, in the judicial district* in which the property or a portion thereof is situated
    - If no newspaper of general circulation is published in the city or judicial district*, notice of sale shall be published in a newspaper of general circulation in the county in which the real property or a portion there of is situated

- Publication of the notice shall be once a week for three successive weeks in a newspaper regularly published at least once a week, with at least five days intervening between the respective publication dates not counting such publication dates. (GC 6063) [GC 6041, 6042 are covered regarding the Sheriff as an elected official having jurisdiction in all of the county.]
- A copy of the Notice of Sale shall also be posted on the civil website (civil.lasd.org).

If the property described in the notice of sale consists of more than one distinct lot, parcel, or governmental subdivision, and any of the lots, parcels, or governmental subdivisions lies with relation to any of the others so

as to form one or more continuous, unbroken tracts, only one posting of the property and one service on an occupant is required as to each continuous, unbroken tract. (CCP 701.540(f)

In addition to the required publication, the officer may publish the notice of sale in a newspaper of general circulation published outside the officer's jurisdiction if the officer determines that a substantial number of residents within the officer's jurisdiction would benefit therefrom, and funds have specifically been made available for such purpose. (GC 6041.1)

*GC 6082 – Public Notice Districts

[Former section GC 71042.5 - Notwithstanding any other provision of law, where judicial districts in a county have been consolidated, or where the municipal and superior courts in a county have unified, the territory embraced within the respective prior component judicial districts shall be separate judicial districts for the purpose of publication within a judicial district.]

• • 6-26/520.10 Special Requirements of Notice of Sale

In addition to the information required to be contained in notices of sale in other cases, the notices of sale shall state that the property will be sold subject to the right of redemption and shall state the amount of the secured indebtedness with interest and costs.

Notice of sale may be given immediately after levy, the delay period of 120 days prior to giving such notice in other cases not being applicable.

Notice of sale must be given by the levying officer to all persons determined by the judgment creditor to have liens of record on the property on the date of entry of judgment rather than on the date of levy, and the judgment creditor does not have to delay any time period to determine the names of such persons.

• • 6-26/520.20 Minimum Bid

Property may not be sold unless a minimum bid is received which exceeds the total of the following amounts (CCP 701.620(a)):

- The amount of all preferred labor claims that are required to be satisfied from the proceeds (CCP 701.620(a)(1))
- The amount of any state tax lien that is superior to the judgment creditor's lien (CCP 701.620(a)(2))
- If the purchaser is not the judgment creditor, the amount of any deposit made to the levying officer by the judgment creditor to pay off a third party claim with interest thereon at the rate on money judgments from the date of the deposit to the date of the sale (CCP 701.620(a)(3)):

- The amount of a proceeds exemption for (CCP 701.620(b)):
  - A motor vehicle (CCP 704.010)
  - Household furnishings and other personal effects (CCP 704.020)
  - Tools of trade (CCP 704.060)